

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

JAMIE HENSLEY,
Plaintiff,

v.

BUCKS COUNTY CORRECTIONAL
FACILITY, et al.,
Defendants.

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CIVIL ACTION
NO. 15-6098

ORDER

AND NOW, this 11TH _ day of April, 2017, it is **ORDERED** that Defendants Captain “J” and John Does 1-50 are **DISMISSED**. The Clerk of Court is directed to mark this case closed.¹

s/Anita B. Brody

ANITA B. BRODY, J.

Copies **VIA ECF** on _____ to:

¹ On August 11, 2016, I issued an order granting the motions to dismiss all named individual Defendants. ECF No. 38. Additionally, on February 21, 2017, I issued an order approving the parties’ Stipulation of Withdrawal of all claims against the County with prejudice. ECF No. 44. The only remaining Defendants in this suit are the unidentified Defendants Captain “J” and John Does 1-50. On March 23, 2017, I issued an order to show cause on or before April 3, 2017 why Defendants Captain “J” and John Does 1-50 should not be dismissed and the case closed. Plaintiff did not file a response to the order to show cause.

“Use of John Doe defendants is permissible in certain situations until reasonable discovery permits the true defendants to be identified. If reasonable discovery does not unveil the proper identities, however, the John Doe defendants must be dismissed.” *Blakeslee v. Clinton Cty.*, 336 F. App’x 248, 250 (3d Cir. 2009) (citation omitted). Federal Rule of Civil Procedure 21 provides: “On motion or on its own, the court may at any time, on just terms, add or drop a party.” Any defendants who are not identified during discovery should be dismissed pursuant to Federal Rule of Civil Procedure 21. *Blakeslee*, 336 F. App’x at 250-51 (affirming dismissal of Doe defendants pursuant to Rule 21 because their identities were not revealed during discovery); *Lamb v. Montgomery Twp.*, No. 15-6759, 2016 WL 7426125, at *1 n.1 (E.D. Pa. Dec. 23, 2016) (dismissing claims against Doe defendants pursuant to Rule 21 because Plaintiff failed to identify them during discovery); *Adams v. City of Camden*, 461 F. Supp. 2d 263, 271 (D.N.J. 2006) (“It is appropriate, before proceeding to trial, to eliminate [] fictitious defendants from [an] action under Fed. R. Civ. P. 21.”). On March 1, 2017, discovery closed in this action. ECF No. 42. Plaintiff has not obtained the true identity of Captain “J” or any of the John Doe Defendants. Accordingly, Defendants Captain “J” and John Does 1-50 are dismissed.